

REMARKS

In the Final Office Action,¹ the Examiner rejected claims 12, 14, and 15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,470,413 to Ogawa ("Ogawa") in view of U.S. Patent No. 6,344,874 to Helms et al. ("Helms") and rejected claims 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Ogawa in view of Helms and U.S. Patent No. 6,360,362 to Fichtner et al. ("Fichtner"). Claims 12 and 14-17 are currently pending. Applicant respectfully traverses the claim rejections for the following reasons.

Applicant respectfully traverses the rejection of claims 12, 14, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Ogawa in view of Helms. No *prima facie* case of obviousness exists with respect to amended claims 12, 14, and 15 for at least the reason that the references, taken alone or in combination, do not teach or suggest each and every element recited in the amended claims.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, the references, taken alone or in combination, must teach or suggest each and every element recited in the claims. See M.P.E.P. § 2143.03 (8th Ed., Rev. 2, May 2004). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the

¹ The Final Office Action contains statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must “be found in the prior art, and not be based on applicant’s disclosure.” M.P.E.P. § 2143 (8th Ed., Rev. 2, May 2004).

Amended claim 12 recites a digital still camera comprising, among other things, a camera controller and:

a memory including a first non-dynamically allocated storing region for storing a camera control program required for the CPU and a second non-dynamically allocated storing region for storing said image data separately from camera control data specific to the digital still camera and recorded during a manufacturing process,

wherein the camera controller is adapted to read out the camera control program in the first non-dynamically allocated storing region while writing or erasing image data in the second non-dynamically allocated storing region.

Ogawa and Helms, taken alone or in combination, fail to teach or suggest at least these elements of amended claim 12.

In the Advisory Action dated December 5, 2005, the Examiner alleged that Ogawa shows, in Figure 8, “different storing regions (module sections) of Flash ROM” for storing firmware. See Advisory Action, page 3. According to the Examiner, the new module shown in Figure 8 corresponds to the claimed “camera control program” and the original modules correspond to the claimed “camera control data.” See id. However, Ogawa describes the memory addresses of the new and original modules as being dynamically allocated: “[A] system wherein the program is divided into modules and the addresses of the modules are changed requires means for detecting an address at

which another module function exists.” See Ogawa, col. 9, lines 20-50. In contrast, amended claim 12 requires that the first and second storing regions be “non-dynamically allocated.”

Moreover, the Examiner observed, in the Advisory Action, that Ogawa discloses starting an image writing operation when just part of the signal processing has been completed. See Advisory Action, page 3. Based on this observation, the Examiner equated the controller of Ogawa with a camera controller that “is adapted to read out the camera control program in the first . . . storing region while writing or erasing image data in the second . . . storing region,” as claimed. See Advisory Action, pages 2 and 3.

In short, the Examiner appears to equate *executing* the signal processing program with *reading* it from the flash ROM 15. This equivalence is incorrect, however, because the signal processing program of Ogawa is executed from main memory *after* it has been read out from the flash ROM 15: “A signal processing program is obtained from the flash ROM 15 in Fig. 1 and is stored in the main memory, and is sequentially read and executed. The data in the main memory is transferred to the signal processing accelerator 6 to perform signal processing.” Ogawa, col. 5, lines 25-30.

Because Ogawa describes execution of the signal processing program *after* the program has been read out from the flash ROM 15, the controller disclosed by Ogawa is not a “camera controller [that] is adapted to read out [a] camera control program in [a] first . . . storing region *while* writing or erasing image data in [a] second . . . storing region,” as claimed.

Helms is relied on for its alleged teaching of programming a processor with firmware at a manufacturer and fails to remedy the deficiencies of Ogawa identified above. In addition, Fichtner, relied on for its alleged description of elements in claims 16 and 17, fails to remedy the deficiencies of Ogawa identified above. Accordingly, no *prima facie* case of obviousness has been established with respect to claim 12, and the 35 U.S.C. § 103(a) rejection of claim 12 should be withdrawn.

Claims 14-17 depend from and add additional features to independent claim 12. Accordingly, these claims are allowable for at least the reasons set forth above, and Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 103(a).

Conclusion

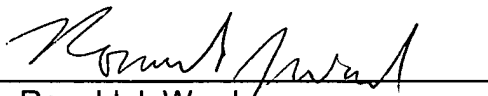
In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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